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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Francois Mach

FOR:

*Treatment of Multiple Sclerosis With Statins (HMG-CoA
Reductase Inhibitors)*



January 23, 2002
Boston, Massachusetts

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR FILING A CONTINUING UTILITY APPLICATION
UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a continuing application under 37 C.F.R. §1.53(b).
(Check the appropriate boxes and supply the requisite information)
This application is a:
☐ Continuation; ☒ Divisional; ☐ Continuation-in-part of prior application U.S.A.N. 09/460,471.
2. Priority to the above application(s) is claimed under:
☒ 35 U.S.C. §120
Prior application information:
Examiner: Karl Stiller; Group Art Unit: 1617.
☐ 35 U.S.C. §119
Priority of application Serial No. _____, filed on _____, is claimed under 35 U.S.C. §119.
☐ The certified copy has been filed in prior application U.S.S.N. ____/____, on [Date].
☐ The certified copy will follow.

COPY

APPLICATION ELEMENTS:

3. ☒ Specification and Drawings (Total pages: 82):
Specification (46 pages); Claims (10 pages); Abstract (1 page); and
Drawings: 25 sheets; FIGS. 1-12.
☐ Formal
☒ Informal
4. ☐ Nucleotide and/or Amino Acid Sequence Submission:
☐ *Computer-readable Copy:* The computer-readable copy of the Sequence Listing in the instant application is to be identical to that filed in application U.S.S.N. ____/____, filed [filing date]. In accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form filed in that application as the computer-readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.
☐ *Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the originally-filed specification of the instant application.
5. ☐ Microfiche Computer Program (*Appendix*)

INVENTOR:

Francois Mach

Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))

6. ☒ Oath or Declaration (Total pages: 2):
- (a) ☐ Newly executed (original)
- (b) ☒ Copy from a prior application (37 C.F.R. §1.63(d))
7. ☒ Incorporation by Reference (*can use if Box 6(b) is checked*)
- The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

ACCOMPANYING APPLICATION PARTS:

8. ☐ English Translation Document (*if applicable*)
9. ☐ Information Disclosure Statement (IDS)
- ☐ Copy of IDS and PTO-1449 (___ pages)
- ☐ Copies of references cited
10. ☒ Reassertion of Small Entity Status (37 CFR 1.27(c)(4))
- ☒ Small Entity status was claimed in the parent application, and is still proper and desired under 37 CFR 1.27(c)(4).
11. ☒ Please amend the application as follows:
- ☒ Please cancel claims 2-93 without prejudice or disclaimer.
- ☒ Please amend the specification by inserting before the first line the following:

"RELATED APPLICATIONS

This application is a divisional of co-pending Application No. 09/460,471, filed September 19, 2001, which is incorporated by reference herein in its entirety. This application also claims priority under 35 U.S.C. §120 to co-pending Application No. 09/664,871, filed September 19, 2000, which is incorporated by reference in its entirety."

12. Fee Calculation:

- ☒ A Preliminary Amendment is enclosed herewith. Please enter the claim amendments prior to calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$740.00
Total Claims (37 C.F.R. 1.16(c))	29	- 20 =	9	\$18.00	\$162.00
Independent Claims (37 C.F.R. 1.16(b))	4	- 3 =	1	\$84.00	\$84.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))			1	\$280.00	\$280.00
				SUBTOTAL:	\$1,266.00
				Reduction by 50% for filing by small entity:	- \$633.00
				TOTAL FEE:	\$633.00

13. ☒ A check in the amount of \$633.00 is enclosed.
14. ☐ Deletion of Inventor(s)

INVENTOR:

Francois Mach

Request for Continuing (Divisional) Nonprovisional Application (37 C.F.R. §1.53(b))

This application is filed by fewer than all the inventors named in the prior application,
37 C.F.R. §1.53(d)(4).

☐ DELETE the following inventor(s) named in the prior nonprovisional application:

☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

15. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 23135-501CIPDIV7:

☒ Fees required under 37 C.F.R. §1.16;

☒ Fees required under 37 C.F.R. §1.17;

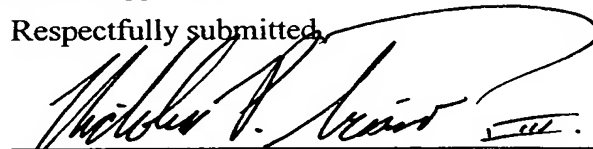
☒ Fees required under 37 C.F.R. §1.18.

16. ☒ Return Receipt Postcard Enclosed.

17. ☐ Other Documents Enclosed:

☐ Change of Attorney Address In Application.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529

Nicholas P. Triano III, Reg. No. 36,397

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Dated: January 23, 2002

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APPLICANT: Francois Mach
APPLICATION NUMBER: Not yet assigned
EXAMINER: Not yet assigned
FILING DATE: January 23, 2002
ART UNIT: Not yet assigned
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PRELIMINARY AMENDMENT

Prior to an action on the merits, Applicant respectfully requests that the following amendments be entered in the above-referenced application.

In the Specification:

Please replace the title with the following:

**TREATMENT OF MULTIPLE SCLEROSIS WITH STATINS (HMG-COa
REDUCTASE INHIBITORS)**

Pursuant to 37 CFR 1.121(b)(1)(iii), a marked up version of the specification showing the changes made appears as Appendix A of this Amendment.

In the Claims:

Please cancel claim 1 without prejudice or disclaimer.

Please add the following new claims:

94. (new) A method of treating a patient afflicted with multiple sclerosis, comprising administering to said patient a statin compound or a functionally or structurally equivalent molecule thereof, in an amount effective to treat or at least partially alleviate the symptoms of multiple sclerosis.
95. (new) A method of treating multiple sclerosis, comprising administration of at least one statin, or a functionally or structurally equivalent molecule thereof, to a subject in an